



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/542,900

07/20/2005

Michael Lawrence Taylor

1926-00107

8365

26753

7590

07/01/2008

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

07/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,900	Applicant(s) TAYLOR, MICHAEL LAWRENCE	
	Examiner Michael Safavi	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) 23, 24 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 25-33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions – Election of Species Requirement

This application contains claims directed to the following patentably distinct species:

SPECIES I – Fig. 1;

OR

SPECIES II –Fig. 5.

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least independent claim 1 appears to be generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

During a telephone conversation with Mr. Thomas M. Wozny on or about March 12, 2008 a provisional election was made with right to traverse to prosecute the invention of SPECIES I (i.e., Fig. 1), claims 20-22, 25-33, and 35-37. Affirmation of this election must be made by applicant in replying to this Office action. Claims 23, 24, and 34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 25 October 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

The drawings are objected to because:

(1) Figs. 3 and 4, any structure that is below another structure should be shown in dashed or phantom lines;

(2) Fig. 4 does not appear to be a true cross-section of Fig. 1 because the two holes (24, 24) are not both on the right side of the axle hole and the cut-out section (27) is truncated V-shaped and not rounded as is shown in Fig. 1; and

(3) the same reference numerals should not be used for both embodiments of the invention according to the Manual of Patent Examining Procedure (MPEP) § 608.01(g), second paragraph, which states as follows:

The reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. In the latter case, the reference character, applied to the given part, with a prime affixed may advantageously be applied to the modification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 2 (i.e., Fig. 2 actually contains two separate drawing figures which should be separated) show(s) modified forms of construction in the same view. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Since many examiners use the title of the invention for searching purposes, the examiner suggests that Applicants amend the title of the invention to one that is clearly indicative of the patentable feature of the invention. However, should Applicants choose not to amend the title of the invention, the examiner will amend the title of the invention at the time of allowance, if any (pursuant to the Manual of Patent Examining Procedure (MPEP) § 606.01, wherein it states that "[i]f a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment.").

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20, lines 8-9, the recitation of "each member of each of said pair of spaced rollers" is vague, indefinite, and confusing as lacking antecedent basis because no "member" has been previously introduced

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22, 25, 26, 29, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386).

As to claim 20 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN discloses a motorcycle wheel maintenance support, said support comprising:

a base frame (46 in Fig. 6)) having a pair of opposed side walls (54, 54);

a working area (60) defined within said base frame (46), between said side walls (54, 54);

a pair of spaced parallel axles (74 in Fig. 10) extending transversely across said working area from one said side wall to the other said side wall,

HOLDEN fails to explicitly disclose that each said axle being provided with a pair of spaced rollers adapted to support a motorcycle wheel thereon; and wherein each member of each said pair of spaced rollers is freely rotatable about its respective axle independently of the other member of said pair, and wherein each pair of rollers co-operates to present a generally V-shaped profile to a motorcycle wheel to be located on said maintenance support.

HESSE, JR. ET AL. discloses that it is well known in the art for each axle (see Figs. 4A, 4B, 5, and 7 and col.3, lines 47-48 wherein it states that the rollers may be independently, rotatably mounted) to be provided with a pair of spaced rollers (22, 23 and 20, 21) “adapted to support a motorcycle wheel thereon” (the structure of HESSE, JR. ET AL. is capable of performing the recited intended use within quotation marks), wherein each member (any of 22, 23, 20, 21) of each said pair of spaced rollers (22, 23 and 20, 21) is freely rotatable about its respective axle independently of the other member (any of 22, 23, 20, 21) of said pair (22, 23 and 20, 21), and wherein each pair of rollers (22, 23 and 20, 21) co-operates to present a generally V-shaped profile “to a motorcycle wheel to be located on said maintenance support “(the structure of HESSE, JR. ET AL. is capable of performing the recited intended use within quotation marks).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN by making each axle be provided with a pair of spaced rollers which are freely rotatable thereon independently of the other roller, wherein each pair of rollers co-operates to present a generally V-shaped profile as taught by HESSE, JR. ET AL. in order to better support the single motorcycle wheel as it rolls onto the rollers of the frame.

As to claim 21 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that each axle (74 of HOLDEN in Fig. 10) is generally cylindrical and

each roller (68, 68 separated from 70 as taught by HESSE, JR. ET AL.) is generally conical or frusto-conical.

As to claim 22 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 21 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that each axle (74 of HOLDEN in Fig. 10) is freely rotatable relative to the base frame (46 of HOLDEN in Fig. 6).

As to claim 25 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that a bearing (70 of HOLDEN separated from rollers 68, 68 of HOLDEN as taught by HESSE, JR. ET AL.) is located centrally on each axle (74, 74 of HOLDEN), said bearing (70 of HOLDEN separated from rollers 68, 68 of HOLDEN as taught by HESSE, JR. ET AL.) maintaining the separation between each pair of spaced rollers (68, 68 of HOLDEN separated from 70 of HOLDEN as taught by HESSE, JR. ET AL.).

As to claim 26 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET

AL. also discloses that the base frame (46 of HOLDEN) further comprises a pair of opposed end walls (end of 56 and 58 of Figs. 6 and 7 of HOLDEN).

As to claim 29 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that each end of each axle (74, 74 of HOLDEN) extends through a mounting hole (52, 52 of HOLDEN) provided in the side walls (54, 54 of HOLDEN).

As to claim 30 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 29 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that each end of each axle (74, 74 of HOLDEN) is provided with a bearing (either 76, 67 or 72, 72 of Fig. 10 of HOLDEN) “adapted to be mounted in a mounting hole”(the structure of the resulting support of the combination of HOLDEN in view of HESSE, JR. ET AL. is capable of performing the recited intended use within quotation marks).

As to claim 32 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 29 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that the side walls (54, 54 of HOLDEN) are provided with a series of

mounting holes (see 52, 52, 52, 52 in Fig. 6 of HOLDEN) spaced along the length thereof, and the axles (74, 74 of HOLDEN) “are adapted to be removably mounted in said holes, thus enabling the size of the working area to be varied”(the structure of the resulting support of the combination of HOLDEN in view of HESSE, JR. ET AL. is capable of performing the recited intended use within quotation marks).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386), as applied to claim 26 above, and further in view of SMITH ET AL. (U.S. Patent No. 6,540,470).

As to claim 27 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 26 as discussed above, and the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. also discloses that one (56 of HOLDEN) said end walls (end of 56 and 58 of Figs. 6 and 7 of HOLDEN) is inclined to form a ramp “suitable for permitting a motorcycle wheel to enter and exit the working area” (the structure of the resulting support from the combination of HOLDEN in view of HESSE, JR. ET AL. is capable of performing the recited intended use within quotation marks).

Neither HOLDEN nor HESSE, JR. ET AL. explicitly discloses that each of said end walls is inclined to form a ramp.

SMITH ET AL. discloses that it is extremely well known in the art to have a ramp (40, 42) at both end walls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. by making both end walls form ramps as taught by SMITH ET AL. in order to be able to have the motorcycle wheel have easy entrance or exit from the support from both end walls.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386) and SMITH ET AL. (U.S. Patent No. 6,540,470), as applied to claim 27 above, and further in view of STARZMAN (U.S. Patent No. 698,231).

As to claim 28 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. and SMITH ET AL. discloses the motorcycle wheel maintenance support of claim 27 as discussed above.

None of HOLDEN, HESSE, JR. ET AL., and SMITH ET AL. explicitly discloses that each said ramp is formed with a generally V-shaped cut-out portion adjacent its upper edge, said cut-out portion being aligned with the generally V-shaped profile of the rollers.

STARZMAN disclose that each said ramp is formed with a cut-out portion (see cut-out portion in front and rear 4 in Fig. 1) adjacent its upper edge, said cut-out portion

(upper rounded edge of front and rear 4) being aligned with the profile of the rollers (5, 5).

STARZMAN fails to explicitly disclose that the cut-out portions are generally V-shaped.

However, it is well settled that changes in shape do not constitute a patentable difference. See *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), wherein the court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. and SMITH ET AL. by having cut-portions at the upper edge of the front and rear ramps and making that cut-out portion be of the same shape as the profile of the rollers as taught by STARZMAN in order to make it easier for a wheel to pass over the ramp and onto the rollers.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386), as applied to claim 30 above, and further in view of WENTZ (U.S. Patent No. 1,014,106).

As to claim 31 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 30 as discussed above.

Neither HOLDEN nor HESSE, JR. ET AL. explicitly discloses that each said bearing is provided with a flange, to retain the rollers centrally on their respective axles.

WENTZ discloses that it is extremely old and well known in the art to use bearings (see Fig. 5) that are provided with a flange (19) “to retain the rollers centrally on their respective axles” (the structure of WENTZ is capable of performing the recited intended use within quotation marks).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. by making the bearing have a flange as taught by WENTZ in order to retain the rollers centrally on their respective axles.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386), as applied to claim 32 above, and further in view of HOLSCLAW (U.S. Patent No. 2,889,945).

As to claim 33 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 32 as discussed above.

Neither HOLDEN nor HESSE, JR. ET AL. explicitly discloses that each end of each axle is provided with a clip to enable removable mounting of said axle in its respective mounting hole.

HOLSCLAW discloses that each end of each axle (37, 37 in Figs. 4 and 5) is provided with a clip (39) "to enable removable mounting of said axle in its respective mounting hole" (the structure of HOLSCLAW is capable of performing the recited intended use within quotation marks).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. by providing the ends of the axles with clips as taught by HOLSCLAW in order to removably retain the rollers on their axles for repair or replacement.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386), as applied to claim 20 above, and further in view of MORGAN (U.S. Patent No. 967,654).

As to claim 35 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above.

Neither HOLDEN nor HESSE, JR. ET AL. explicitly discloses that the base frame further comprises a generally rectangular base member extending beneath said working area.

MORGAN discloses that the base frame (10) further comprises a generally rectangular base member (22) extending beneath said working area.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. by making the base frame have a generally rectangular base member extending beneath the working area as taught by HOLSCLAW in order to be able to enclose the working parts for protection against damage.

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOLDEN (U.S. Patent No. 5,626,241) in view of HESSE, JR. ET AL. (U.S. Patent No. 5,193,386), as applied to claim 20 above, and further in view of OMORI (U.S. Patent No. 4,026,546).

As to claim 36 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above.

Neither HOLDEN nor HESSE, JR. ET AL. explicitly discloses a plurality of feet provided on the underside of the base frame.

OMORI discloses a plurality of feet (17 on front and back 28 in Figs. 3 and 4) provided on the underside of the base frame (29, 28, 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. by

including a plurality of feet on the underside of the base frame as taught by OMORI in order to prevent the support from sliding on the surface it is resting on.

As to claim 37 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLDEN in view of HESSE, JR. ET AL. discloses the motorcycle wheel maintenance support of claim 20 as discussed above.

Neither HOLDEN nor HESSE, JR. ET AL. explicitly discloses that the underside of the base frame is provided with an anti-slip material.

OMORI discloses that on the underside of the base frame (29, 28, 31) is provided with an anti-slip material (stay 17 in Figs. 3 and 4 and discussed at col. 1, line 62 through col. 2, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support of HOLDEN in view of HESSE, JR. ET AL. by making the underside of the base frame have anti-slip material as taught by OMORI in order to prevent the support from sliding on the surface it is resting on.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571)-272-7046. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)-272-6867. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/
Michael Safavi, Primary Examiner
June 23, 2008